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Report of the Working Group on the issue of discrimination against women in law and in practice on its mission to Chad

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Working Group on the issue of discrimination against women in law and in practice on its mission to Chad from 4 to 14 December 2017. In the report, the Working Group describes the situation regarding the rights of women and gender equality in the country and analyses achievements thus far and the challenges remaining. It examines the legal, institutional and policy framework for promoting equality and the participation and empowerment of women in family and cultural life, in economic and social life, and in political and public life, as well as their access to health care. The Working Group presents recommendations for further progress in eliminating discrimination and promoting equality.

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Report of the Working Group on the issue of discrimination against women in law and in practice on its mission to Chad*, **

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* Circulated in the language of submission and English only.

** The footnotes to the analysis contained in the present report are not included in this version owing to the mandated word limit. A version containing the full references can be found at http://www.ohchr.org/EN/Issues/Women/WGWomen/Pages/CountryVisits.aspx. The report draws on a variety of sources, including documentation and statistics provided by the State as well as United Nations sources. It also draws on information from the international human rights mechanisms, in particular, the Committee for the Elimination of Discrimination Against Women.

I. Introduction

A. The visit

1. The Working Group on the issue of discrimination against women in law and in practice visited Chad from 4 to 14 December 2017 at the invitation of the Government. The members of the Working Group met with various stakeholders in N'Djamena, Moundou, Déli, Doba, Kara and Koumra. The Working Group wishes to thank the Government for its help in organizing the visit and for its cooperation during the visit.

2. In N'Djamena, the Working Group met with the Minister of Justice and Human Rights, the Minister for Women's Affairs, Early Childhood Protection and National Solidarity, the First Lady, the Secretary of State for Foreign Affairs and representatives of several other ministries and government agencies. Outside the capital, the Working Group met with governors, mayors, regional human rights, social action, health and education officials and representatives of the police.

3. The members of the Working Group also met with United Nations officials working in Chad and representatives of associations, as well as with women and girls in local communities. They visited prisons, health centres, an emergency shelter and primary and secondary schools in N'Djamena and Moundou and an agricultural production and processing facility in Koumra. The members of the Working Group met as well with Muslim, Catholic and Protestant religious authorities. The Working Group is grateful to the team of the Office of the United Nations High Commissioner for Human Rights in N'Djamena for the support it provided before and during the visit.

B. Context

4. Chad, which still bears the marks of decades of internal conflict, is currently facing a situation of both domestic and regional instability caused by the threat of terrorism, the humanitarian crisis in the Lake Chad area, the conflicts raging in a number of neighbouring countries and inflows of refugees numbering in the hundreds of thousands. The country's already poor social and economic conditions have been exacerbated in recent years by several sharp recessions.

5. Human development index values for Chad, which was ranked 186th out of 188 countries in 2016, are among the lowest in the world. The country's low literacy rate (50.1 per cent) displays a very clear gender inequality (22 per cent of women are literate, as opposed to 54 per cent of men); and access to health care and to water and sanitation is limited (only 56.1 per cent of the population has access to an improved water source and only 8.2 per cent to improved sanitation facilities). Climate change — in the form of rising temperatures and ever scarcer rainfall — has contributed to increased food insecurity, thus further worsening the situation.

6. According to a number of international indicators, Chad ranks near the bottom in terms of gender equality as well. For example, it is in 157th place out of 159 countries on the gender inequality index of the United Nations Development Programme and 141st place out of 144 in the World Economic Forum's global gender gap index. Although there are differences from one region of the country to another, all Chadian women experience severe discrimination in every facet of their lives.

7. Despite the progress posted in recent years, numerous systemic constraints, such as corruption, legislative gaps and the way public officials approach societal and cultural challenges, continue to raise barriers preventing the achievement of gender equality. Chad cannot hope to improve its socioeconomic situation and achieve the Sustainable Development Goals by 2030 as long as inequalities between women and men persist in the country.

II. Legal, institutional and policy framework

A. Legal framework

1. Ratification of international and regional instruments and cooperation with human rights mechanisms

8. The Working Group welcomes the ratification by Chad, without reservations, of nearly every international human rights instrument and hopes that the country will reaffirm its commitment to effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women by ratifying both the Optional Protocol thereto and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol). The Working Group also welcomes the engagement of Chad with various human rights mechanisms, as exemplified by the invitation extended by the Government, on its own initiative, to the Working Group. Chad has ratified all the fundamental conventions of the International Labour Organization except the Maternity Protection Convention, 2000 (No. 183), and the Domestic Workers Convention, 2011 (No. 189).

2. Key achievements in the promotion of women's rights and gender equality

9. The Working Group notes that Chad has a solid legislative basis for ensuring gender equality and welcomes the efforts it has made to strengthen its legal framework.

Constitution

10. Article 14 of the Constitution provides that the State has a duty to ensure that all forms of discrimination against women are eliminated and that women's rights are protected in all spheres of private and public life. With that article, Chad acknowledges that gender equality cannot be achieved simply by declaring it to exist and that the State has obligations in terms of eliminating all forms of discrimination. In addition, the Constitution recognizes the primacy of international law over domestic law (art. 221).

Labour Code (Act No. 038/PR/96 of 11 December 1996)

11. The Labour Code establishes a series of legal safeguards, including the prohibition of gender-based discrimination in recruitment, promotion and remuneration (art. 6) and the right to maternity leave of 14 weeks (arts. 108 and 109), in accordance with international standards.

Reproductive Health Act (Act No. 006/PR/2002 of 15 April 2002)

12. The Reproductive Health Act prohibits all forms of violence such as female genital mutilation, early marriage, domestic violence and sexual abuse (art. 9).

13. The Act also provides for equality and prohibits discrimination, including gender-based discrimination, in the area of reproductive health (art. 3). It establishes the right of individuals to decide freely and responsibly on matters related to reproductive health (art. 4), to have access to information and education about birth control and means thereof (art. 6) and to receive the best possible health care and protection from practices that are harmful to reproductive health (art. 7).

Order No. 06/PR/2015 of 14 March 2015 on the prohibition of child marriage, ratified by Act No. 029/PR/2015 of 21 July 2015

14. The Order establishes that the minimum legal age for marriage is 18 (art. 2) and it makes child marriage punishable by a term of imprisonment of 5 to 10 years and a fine of between 500,000 and 5 million CFA francs (art. 4). Previously, the minimum legal age for marriage had been 15 for women and 18 for men (art. 144 of the Civil Code). Those same penalties apply to any person who forces a child to marry (art. 4) and to any civil, traditional or religious authority who officiates at a child marriage (art. 5).

Criminal Code (Act No. 2017-01 of 8 May 2017)

15. The new Criminal Code categorizes the following acts as punishable offences: sexual harassment (art. 341); domestic violence (art. 342), in particular, any act that, without necessarily doing physical harm to a person, subjects that person to degrading, humiliating or inhuman treatment likely to cause psychological distress, trauma or a mental disorder or causes violence of a similar nature to a spouse, common-law spouse or partner; incest (art. 353); rape (arts. 349 and 350); and sexual abuse or exploitation of a minor (arts. 353–364).

16. The Working Group welcomes the fact that, with the adoption of this Act, therapeutic abortion is allowed in cases of sexual assault, rape, incest and when the pregnancy endangers the physical or mental health or the life of the mother or the fetus (art. 358, second paragraph). That authorization is an improvement on Act No. 006/PR/2002, under which abortion was allowed only in very limited circumstances.

3. Challenges

Marriage and family relations

17. The Working Group is gravely concerned about the numerous discriminatory provisions found in the country's laws on marriage and family relations that are incompatible with the Constitution and international standards. The Civil Code, for example, states that the husband is the head of the household (art. 213) and that it is for the husband to decide where the family lives (art. 215). Similarly, under Order No. 03/INT/SUR/1961 of 2 June 1961, which regulates civil status matters, polygamy is the default marital regime unless the husband decides expressly not to opt for it (art. 11). If the husband engages in polygamy despite having waived his right to do so, the marriage may be terminated at the wife's request and the bride price in that case may or may not be returned.

18. Despite the country's strong constitutional framework and specific laws that ensure equality between women and men, the fact that different legal traditions coexist in Chad weakens the force of statutory law. Customary and religious law in some cases discriminate against women in the areas of marriage and family relations, specifically with regard to inheritance, property, polygamy, legal age of marriage and child custody.

19. This situation is exacerbated by the fact that the country has yet to adopt a family code that is in line with international standards and consistent with its constitutional obligation to eliminate all forms of discrimination against women. According to some of the Working Group's interlocutors, some religious groups are lobbying against the adoption of a family code, a draft of which has been under discussion for nearly 20 years (see para. 36). Some aspects of that draft are of concern to the Working Group, namely, the public prosecutor's authority to grant exceptions to the minimum age for marriage; the continued legality of polygamy, which allows a husband to contract several marriages; and, even though the majority of the Working Group's interlocutors acknowledged that customary and religious laws on inheritance discriminated against women, the establishment of a special inheritance system for people wishing to have their estates distributed under sharia law.

Criminalization of adultery

20. The Working Group is concerned that, under the Chadian Criminal Code, adultery is a crime punishable by imprisonment for a term of 2 to 6 months and a fine (art. 385). The provision under which homicide and assault causing bodily harm are excusable if the victim is the spouse of the perpetrator or the spouse's partner in adultery caught in the act (art. 69) is an unacceptable legalization of honour killing, which primarily has women as its victims. The Working Group recalls that, in stating its stance on this issue, it has consistently maintained that the criminalization of adultery is contrary to article 2 of the Convention on the Elimination of All Forms of Discrimination against Women and that the criminalization of sexual relations between consenting adults is an invasion of the privacy of the persons concerned and thus is a breach of article 17 of the International Covenant on Civil and

Political Rights. While adultery may be a conjugal offence under civil law, in no case should it be dealt with by the criminal justice system.

Labour law

21. The Labour Code contains discriminatory provisions, such as article 205, which prohibits night work by women in the industrial sector, and article 336 (c), which states that some types of work or establishment may be prohibited, by decree, to women because of the risks posed to their health, safety or moral reputation. The legal provisions under which women must be "protected" from certain types of work are often founded on stereotypical views of women's physical abilities and on outdated ideas about the role they can play.

Sexual and reproductive rights

22. Since justice officials and doctors are inaccessible to the vast majority of girls and women, particularly in rural areas, the Working Group finds it regrettable that, under the Criminal Code, access to abortion requires authorization by the Public Prosecution Service once a doctor has certified the facts of the case (art. 358, third paragraph). In an emergency, that requirement could endanger a woman's life.

23. The Working Group also finds it regrettable that, under the Criminal Code, any woman who has had an abortion and any individual who has been directly or indirectly involved in or aided in the performance of an abortion are punished with imprisonment and a fine (art. 356) (see paras. 55, 56 and 63).

Gender-based violence

24. Chad does not have a comprehensive law preventing and combating violence against women. Moreover, some forms of violence against women, such as marital rape, are not criminalized even though 12 per cent of women, according to official figures, have reported that they have been victims of violence at some point in their lives; in 73 per cent of the cases, their husband or partner was the perpetrator. The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), which is open to States that are not Council members and is the most comprehensive instrument in this area, could serve as a model for the preparation of such a law.

25. The Working Group finds it regrettable that the Criminal Code, under articles 359 to 361 in particular, does not effectively protect girls from sexual abuse by school staff, despite the widespread nature of the problem (see para. 51).

Sexual orientation

26. The Working Group finds it regrettable that sexual relations between persons of the same sex continue to be an offence under the Criminal Code (although some changes were introduced) which is punishable by imprisonment for between 3 months and 2 years plus a fine (art. 354).

B. Access to justice

27. The Working Group notes the measures taken by Chad to improve access to justice, such as the formulation by the Ministry of Justice and Human Rights of a sectoral policy for the period 2018–2027, which will focus on the issue of access to the legal system and justice, and the 2014–2020 programme to support justice in Chad, which identifies gender equality as an important objective. Many of the Working Group's interlocutors, however, stressed that it is still challenging for women to gain access to justice, in part because of the system's numerous shortcomings and in part because some justice officials do not enforce the law. They further maintained that, in Chad, justice was inaccessible to the majority of the population because of the costs involved, the distances that must be covered to reach a court, language barriers and the virtual non-existence of any legal aid other than that provided by non-governmental organizations (NGOs). They also asserted that the country's

justice system suffered from systemic delays and inefficiency, that it did not treat people equally, that it enjoyed little credibility because of rampant corruption and that some groups of people seemed to be exempt from the enforcement of court decisions. Some of the people the Working Group spoke with, for example, complained about the laxity of some judicial authorities and said that political interference had been used to secure the release of persons who had been detained for committing acts of violence against women. According to a recent survey by the Ministry of Justice, corruption (for 40 per cent of respondents) is the main complaint about the justice system; it is followed by the slowness of judicial proceedings (23 per cent of respondents) and the frequent or unexplained postponement of hearings (14 per cent of respondents).

28. In addition, the Working Group is concerned that the country has no special court for handling cases of violence against women and that the sole special police unit set up to combat sexual and gender-related offences, the Child Protection Unit, exists only in N'Djamena. The Working Group is also concerned about the underrepresentation of women in the national police force (women make up 7.05 per cent of the force, with only 2 per cent of them in positions of responsibility) and the judiciary (32 of the country's 500 judges, or 6.4 per cent, are women). In addition to being another example of discrimination against women, such underrepresentation makes it harder for women to file complaints and gain access to justice. The few women who have the courage to begin judicial proceedings when their rights are violated face numerous social, cultural and financial hurdles.

C. Institutional and policy framework

1. Institutional framework

29. The Working Group notes the initiatives undertaken at the local and community levels by the Ministry of Women's Affairs, Early Childhood Protection and National Solidarity and the Ministry of Justice to eradicate specific harmful practices. However, the realization of women's rights and gender equality should not be the responsibility of the Ministry of Women's Affairs alone, which, with its meagre budget of approximately 1 per cent of the national budget, cannot shoulder by itself the immense task of eliminating discrimination against women in Chad, bearing in mind that women constitute 50.6 per cent of the population. Some ministries have gender focal points, but the focal points lack adequate training and budgets; as a result, their impact is limited. In addition, since the ministries concerned do not coordinate their efforts or undertake joint initiatives, there is less potential for action and positive changes to support the realization of women's rights.

30. The Working Group welcomes the adoption in the National Assembly, during the Working Group's visit, of the National Human Rights Commission Reform Act and hopes that the new institution will comply with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), in particular in terms of independence, composition, monitoring and complaint procedures. The Working Group regrets, however, that the Act does not provide for the establishment of a standing subcommission especially for women's rights and that only 4 of the Commission's 11 members will be women.

31. The Working Group noted that NGOs were sometimes alone in offering services to meet the specific needs of women in a setting where the State institutions meant to provide such services often either do not exist or are not functional, especially outside the capital. The services offered almost exclusively by NGOs, often with backing from technical and financial partners, include legal aid and psychosocial support for female victims of violence, literacy courses and a range of prevention and awareness-raising initiatives (see para. 67).

2. Policies pursued

32. The Working Group welcomes the measures that have been taken to address gender inequality in key sectors. For instance, Chad possesses a National Gender Policy, a National Strategy on Gender-based Violence and a National Development Plan that takes into account the specific needs of women and girls.

33. In the education sphere, Chad has adopted the National Strategy to Promote the Education of Girls (2004–2015). As regards health, the specific goals of the National Health Policy (2016–2030) include reducing the maternal mortality rate by the year 2030 and providing universal access to sexual and reproductive health services, including family planning and health information and education.

III. Participation of women in family and cultural life, in political and public life, in economic and social life, and their access to health care

34. The Working Group acknowledges the efforts that have been made to tackle discrimination against women, including legislative changes. The persistence of discrimination in family and community life, however, is a major impediment to the full achievement of equality in all spheres of life, including political, public, economic and social life, and in respect of access to health care.

A. Family and cultural life

35. All the Working Group's interlocutors over the course of the visit emphasized the influence that culture (referring to certain harmful practices and religious interpretations) had on the full realization of women's rights and the pursuit of equality. Although more and more women are raising their voices and asserting themselves professionally, women are still second-class citizens who are excluded from decision-making. According to information received by the Working Group, women are sometimes seen as the property of their husbands, who acquire them by paying a bride price; they are often expected to stay at home and may live in fear of their husbands. In some communities, women are still not allowed to voice their opinion.

36. The Constitution of Chad nonetheless provides a solid foundation for ensuring women's right to equality in the family, a right that Chad undertook to respect on ratifying the Convention on the Elimination of All Forms of Discrimination against Women. However, efforts to ensure that women can exercise that right are complicated by the existence of various legal systems that are based on an obsolete Civil Code, which dates back to the colonial era, and on customary and religious law (see paras. 18, 38 and 47).

37. Chad has one of the world's highest rates of child marriage. The median age of marriage for women is 16 (as opposed to 22 for men); 68 per cent of girls marry before they are 18 and 30 per cent before they turn 15. Even though child marriage is a crime in Chad, the practice continues to go wholly unpunished.

38. At the same time, 39 per cent of women are in polygamous marriages (that figure does not take into account the large number of unregistered customary marriages). The Working Group shares with the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child the view that polygamy is contrary to the dignity of women and girls and infringes on their fundamental rights and freedoms, including the right to equality and protection within the family. The effects of polygamy include harm to the physical and mental health of wives; material harm and deprivation; and emotional and material harm to children, often with serious consequences for their welfare. States parties to the Convention on the Elimination of All Forms of Discrimination against Women have an explicit obligation to discourage and prohibit polygamy, which is contrary to the Convention. Studies have shown that polygamy often results in increased poverty within the family, especially in rural areas. The Maputo Protocol states that monogamy should be encouraged as the preferred form of marriage and that the rights of women in marriage and the family, including in polygamous marital relationships, should be promoted and protected (art. 6 (c)). The Working Group is concerned about the continued practice of female genital mutilation (see paras. 51, 52, 59 and 66) and of levirate and sororate marriage, which constitute serious violations of women's rights.

39. Many of the Working Group's interlocutors seemed to agree that a culture is neither static nor immutable. Moreover, numerous experts and human rights treaty bodies have established that neither cultural diversity nor freedom of religion may be used to justify discrimination. The discriminatory and violent practices to which women are subjected, including those ostensibly based on custom, culture or religious interpretation, must be eliminated regardless of their origin.

40. The Working Group heard repeatedly that some sectors of society did not wish to adopt principles that were dictated from the outside. The Working Group's aim is not to impose a model but to encourage all national and local stakeholders, religious and traditional leaders and government officials to promote the benefits and protection offered by a culture that is based on the principles of equality, solidarity and respect and, at the same time, to develop sustainable strategies to combat discrimination against women and foster gender equality, as enshrined in the Constitution and the international human rights instruments ratified by the State. Chadian culture has evolved over the centuries, and Chad should be able to draw on the positive aspects of its culture to change attitudes and practices that have their roots in long-standing cultural traditions. Several individuals, associations and government agencies at the regional and local levels have already begun to effect commendable change. The Working Group was informed, for example, that communities in some areas had adopted initiation rites for girls that did not involve any cutting. Such efforts will trigger inward changes and should be given additional support.

B. Political and public life

41. Although some progress has been made, women in Chad are still significantly underrepresented in all areas of political and public life, especially in decision-making bodies; this is true even at the community level. At the time of the Working Group's visit, only 4 of the Government's 28 ministers (or 14.28 per cent) and 4 of its 19 secretaries of State (or 21.05 per cent) were women. Regrettably, following a Cabinet reshuffle on 24 December 2017, now only 2 of 20 ministers (10 per cent) are women; and only 27 women (14.36 per cent) sit in the 188-member National Assembly. Chad thus ranks 140th out of 193 countries in terms of the percentage of women lawmakers. Women are similarly underrepresented in the senior levels of the civil service: they account for only 2 of the country's 56 prefects (3.57 per cent); 4 of the 23 mayors (17.39 per cent); 6 of the 30 members of the Economic, Social and Cultural Council (20 per cent); and 2 of the 29 general secretaries (6.89 per cent). Not one of the 23 regional governors is a woman. Women are underrepresented in the foreign service as well: only 2 out of 24 ambassadors are women (8.33 per cent). Within the Ministry of Education and Promotion of Civic Responsibility, there is not a single woman among the directors and general secretaries; elsewhere in the sector, women occupy around 23 per cent of the technical department head positions, 8 per cent of regional representative positions, 0.2 per cent of primary-school director posts, 8 per cent of middle-school director posts and 10 per cent of secondary-school director posts.

42. Women's limited access to education and the wide gap between girls and boys in this area explain in great part women's unequal access to decision-making positions. The Working Group welcomes the commitment by the President to establish a quota of 30 per cent of such positions for women and hopes that this commitment will be backed up by appropriate legislative measures.

43. NGOs and, in particular, women human rights defenders, also have a crucial role to play in empowering women and eliminating discrimination against them (see para. 67). The Working Group is concerned about reports of harassment, threats, retaliation and violence against human rights defenders. A frank and open discussion of all human rights issues, even those considered controversial, is crucial if the country is to make progress. Such a discussion requires effective enjoyment of the freedom of expression that is guaranteed under a number of international instruments and the Constitution of Chad.

C. Economic and social life

44. Although there are virtually no formal obstacles in the law to women's participation in economic life, the Working Group's interlocutors mentioned several factors that amount to an impediment to the effective participation and empowerment of women. To start with, household chores and childcare are considered women's work, in addition — in rural areas — to fetching water and performing gruelling farm tasks. According to many testimonies, husbands would often rather that their wives stay home; they sometimes even try to forbid them from working. Only 43 per cent of women participate in the workforce (as opposed to 74 per cent of men). Women work chiefly in the informal retail and services sector (62 per cent) and agriculture (29 per cent), where they earn low incomes and have no social protection. Moreover, the Working Group was informed that female domestic workers who left the countryside to go to N'Djamena often found themselves in situations of high vulnerability and instability and became victims of multiple forms of violence and exploitation. The Working Group finds it regrettable that there is no up-to-date information on the situation of these women and would welcome in-depth studies of the situation.

45. The relevant State authorities acknowledged that, aside from maternity leave, few policies were in place to foster women's economic participation. By way of example, there are no State-funded day-care centres for children, and the cost of the few privately operated day-care centres is beyond the reach of most working women.

1. Access to land

46. The Working Group is particularly concerned about women's limited and unequal access to, use of and control over land. According to official figures, 62.4 per cent of women aged 15 to 49 do not own land (74.9 per cent in urban areas and 58.6 per cent in rural areas), compared with 43.4 per cent of men (67.6 per cent in urban areas and 33 per cent in rural areas). The percentage of women who own land in their own name without a co-owner — at 13.6 per cent (10.4 per cent in urban areas and 14.7 per cent in rural areas) — is also lower than that of men, 48.7 per cent of whom are sole owners of their land (26.1 per cent in urban areas and 58.4 per cent in rural areas).

47. Although the statutory law of Chad contains no provisions denying women the right to own land, the rules and practices of most communities are based on customary law and sharia law, which prevent women from owning or inheriting land — or do not grant women and men equal shares — in violation of the principle of equality enshrined in the Constitution and the Convention on the Elimination of All Forms of Discrimination against Women. Many women explained that their empowerment and participation in economic and social life were hindered by the persistence of discriminatory rules and practices. This is a matter of great concern, as the agricultural sector, in which land is the main means of production, employs more than two thirds of the country's economically active population, over half of whom are women.

48. The Working Group noted that there have been a few isolated initiatives to distribute land to women's organizations in some areas but that long-term policies and strategies are lacking. The members of the Working Group met with several women who, by launching private initiatives in the form of women's cooperatives or groups that harvest, produce, process and sell farm products, are struggling to achieve economic self-sufficiency; regrettably, they do not receive any support from the authorities, such as access to credit or training in entrepreneurship.

2. Right to education

49. Despite the efforts of the Ministry of Education and the progress made in recent years, the disparities between men and women in education are still considerable and they are a primary cause of inequality. The female literacy rate stands at 22 per cent, compared with 54 per cent for males. According to the most recent figures available (2014/15 school year), girls accounted for only 43.28 per cent of the children enrolled in primary school; and 32.2 per cent of girls finished primary school, as opposed to 50.8 per cent of boys. The gross enrolment rate in secondary education was 8.8 per cent for girls, as opposed to 28.9

per cent for boys, while the completion rate was 7.8 per cent for girls and 29.5 per cent for boys. Girls accounted for only 16 per cent of university students.

50. These disparities can be traced to the discrimination and violence that girls are subjected to in their families and communities. Several of the Working Group's interlocutors made specific reference to the excessive number of household and farm chores that fell to girls and the long distances to schools. Eight per cent of girls aged 5 to 11 and 21.9 per cent of those aged 12 to 14 spend 28 hours a week or more doing household chores (as opposed to 4.7 per cent and 9.5 per cent of boys in the same age groups); 11.4 per cent of girls aged 15 to 17 spend 43 hours a week or more doing household chores, as opposed to 4.1 per cent of boys. The situation is compounded by the meagre allocation of State resources for the education of girls in a context where education — which is free under the law — is not free in practice. The Working Group was informed, for example, that parents must help defray the operating costs of State schools (at least 2,000 CFA francs per child) and buy uniforms and school supplies (for an average of 20,000 CFA francs per child a year). According to a number of statements made to the Working Group, if, for financial reasons, a choice has to be made, parents — in part because of their negative views about sending girls to school — decide to send their boys to school rather than their girls.

51. Other obstacles that stand in the way of making sure girls stay in school include rites of passage into puberty, such as female genital mutilation (see paras. 38, 52, 59 and 66), which are usually followed by child marriage, often forced and often leading to early pregnancy, as well as violence, harassment and sexual abuse in school or on the way to and from school. Despite numerous testimonies indicating that violence against girls is commonplace in school environments, several education sector officials downplayed the magnitude of the problem. The members of the Working Group were shocked to hear from one school director that there could be "love affairs" between teachers and students and that such relationships were not reprehensible because they were consensual. The Working Group strongly condemns such behaviour, since there cannot be consent when one party exercises that kind of authority over the other. Such behaviour, especially when minors are involved, constitutes sexual abuse and should not be permitted. While welcoming the fact that some schools have brought women on staff to monitor the situation of girls, the Working Group finds it regrettable that schools generally lack any kind of system for preventing, detecting or responding to violence against girls on and around school premises.

D. Right to and access to health care

1. Access to health care

52. The life expectancy of women in Chad is 47.1 years, compared with a regional average of 60 years. The health situation of the country's women is one of extreme vulnerability, owing mainly to poor nutrition; inadequate sanitation and limited access to safe drinking water, which leaves women at risk of infectious and parasitic diseases; inadequate knowledge about women's health issues and their sexual and reproductive health rights, which is associated with early pregnancy and a lack of decision-making authority in matters concerning their own health; frequent pregnancies and a high fertility rate (almost 6.4 children per woman on average; see para. 54); an HIV prevalence rate that is higher among women than men (1.8 per cent versus 1.3 per cent, which rises in urban areas to 5.8 per cent versus 2.9 per cent); and harmful customs and practices, such as female genital mutilation (see paras. 38, 59 and 66). Despite the efforts of the Ministry of Health to expand the coverage of free basic health care and maternal care, access remains very limited because of structural weaknesses that include the shortage of staff, equipment and medicines.

2. Sexual and reproductive health and rights

53. Chad has one of the highest maternal mortality rates in the world (856 deaths per 100,000 live births in 2015). In 2014, only 22 per cent of births took place in health facilities. Not one of the 23 regions has enough health centres offering emergency obstetric

and neonatal care. The Working Group is extremely concerned that maternal care — which should be free, in accordance with State policy — has not been provided free of charge since the budget cuts in 2016. To cite just one example, for caesarean sections and deliveries with complications, the surgical procedure itself is free, but patients are charged for the use of a hospital bed (between 1,000 and 2,000 CFA francs). Medicines and caesarean kits are often not available. The Working Group learned as well that the consent of the husband or family is sought prior to a caesarean section being performed, even in emergencies, despite the fact that no such consent is required when men undergo a surgical procedure. This practice, which is symptomatic of an environment of discrimination and male domination in access to emergency care, should be abolished as soon as possible. A husband should not have the right to decide whether his wife should live or die.

54. The Working Group regrets that, despite efforts to improve access to family planning, only 5 per cent of Chadian women use contraception. Although the law grants women the right to decide freely on the spacing of their children (see para. 13), the reality is quite different. Interviews with medical professionals revealed that most doctors would only issue contraception with the husband's consent on the pretext that women who use contraception without their husbands' knowledge could be subjected to domestic violence, since a man expects his wife to have as many children as possible. Early and insufficiently spaced pregnancies pose a significant risk to the health and survival of women (women between 15 and 19 years of age account for 36 per cent of pregnancies).

55. The Working Group also regrets that, in the absence of a decree or implementing regulations, the legislative provisions on abortion (see para. 14) remain largely unknown to medical professionals, are rarely enforced and are difficult to implement, particularly in rural areas. This is of particular concern given that some interlocutors stated that many Chadian women resorted to clandestine abortions, which was another cause of maternal mortality. Because the practice is illegal, no data are currently available; however, it is a phenomenon that needs to be further examined and better understood. Given the prevalence of sexual violence against girls (which some people claim is of epidemic proportions), it is unacceptable that there are no options available to young girls who become pregnant as a result of rape. As demonstrated by the World Health Organization and detailed in one of the Working Group's reports, early pregnancies have irreversible consequences for the physical and mental health of girls. Pregnancy and childbirth are the second most common cause of death among girls aged 15 to 19 around the world. They face a high risk of death or severe injury, including fistulas, as a result of pregnancy.

56. Comprehensive sexuality education based on scientific evidence and the availability of effective contraception are both essential to reduce unwanted pregnancies and prevent clandestine abortions. Indeed, the World Health Organization has shown that the lowest abortion rates are found in countries where information and modern forms of contraception are widely available and where abortion is legal. Criminalizing the termination of a pregnancy does not reduce the need for it. In line with international standards, abortion — which is not to be considered as a method of contraception — should be decriminalized and should be made easily accessible at least in cases involving rape, non-viable pregnancies and pregnancies in girls under the age of 16 in view of the enormous health risks involved.

IV. Violence against women, and women victims of multiple forms of discrimination

A. Violence against women

57. The vast majority of the Working Group's interlocutors acknowledged the high prevalence of violence against women and girls as a problem deeply rooted in the country's patriarchal and traditionalist society. Unfortunately, in the absence of a reliable and centralized data-collection system, the Working Group had access only to partial data that do not necessarily illustrate the full extent of the problem.

58. According to official figures, 29 per cent of women aged from 15 to 49 years have been victims of physical violence at some point in their lives, with the husband or partner cited as the perpetrator in 66 per cent of cases; 12 per cent have been victims of sexual violence, committed in 73 per cent of cases by the husband or partner; and 35 per cent have been victims of acts of physical, emotional or sexual violence at the hands of the husband or partner. The Working Group finds it regrettable that some members of the police force and the judiciary, who deem the maintenance of family unity to be more important than ensuring respect for and the protection of women's rights, do not enforce the law and are thus perpetuating the situation of impunity. Penalties have a deterrent effect and are one of the best tools for prevention.

59. The experts are also alarmed that 38 per cent of women have undergone female genital mutilation, with the rate as high as 96 per cent in some regions. The Working Group is concerned by the scant progress made towards eliminating this practice. Despite the adoption of a law in 2002 prohibiting female genital mutilation and the many prevention efforts undertaken by a range of actors, the practice persists, especially in the country's more remote areas. Furthermore, the proportion of women who have been subjected to the most extreme form of female genital mutilation, namely, infibulation (excision with stitching of the vaginal opening), rose from 2 per cent in 2004 to 9 per cent in 2014. The rate is higher among girls aged under 14 years than it is among women overall (12 per cent versus 9 per cent). Over the 10-year period from 2004 to 2014, the proportion of excised women fell by only 7 percentage points, from 45 per cent to 38 per cent. Drastic measures must be taken and no effort spared to eradicate this abhorrent form of violence that has serious and irreversible psychological and physical consequences for girls and women, including the risk of death as a result of the procedure itself or during childbirth. It is essential to keep encouraging people to report cases they are aware of, to impose strict penalties on those responsible, to involve and raise awareness among traditional and religious leaders, and to find economic alternatives for women who perform excisions. In the regions where such strategies have been adopted, they are already bearing fruit. No belief or custom may be invoked or misconstrued as justification for violating the rights of women and girls or for torturing or oppressing them.

60. Given the scale of the problem, the experts regret that the action taken by the Government and other stakeholders to combat violence against women in Chad is still too fragmented and does not address the root causes of the problem, one of which is the failure to enforce relevant laws (see paras. 35 and 58). The experts welcome the adoption of the National Strategy on Gender-based Violence, but find it regrettable that the ministries concerned do not have specific budget lines for efforts to combat such violence. Without a comprehensive system that offers effective protection, isolated actions will remain futile and incapable of bringing about true change.

B. Women victims of multiple forms of discrimination

61. While all Chadian women are subjected to discrimination, the experts were informed that some women were particularly vulnerable, such as women with disabilities or HIV/AIDS, widows, older women, Fulani women (nomadic or semi-nomadic indigenous communities), women refugees and displaced women. Furthermore, the experts are concerned about the culture of silence surrounding women in prostitution/sex workers and lesbian women that makes them invisible and more likely to be victims of human rights violations. In-depth studies should be conducted on all these groups of women in order to ensure that appropriate policies are developed to protect and empower them.

1. Rural women

62. The majority of Chadian women (76 per cent) live in rural areas. As demonstrated in the present report, rural women are even more vulnerable to discrimination. For instance, rural women are more likely to be in polygamous marriages (39 per cent, as opposed to 35 per cent in urban areas) and they have even less access to land, education and health care (see paras. 22, 44, 46, 55 and 59). Access to contraception is more limited (4 per cent versus 11 per cent) and, as a result, the fertility rate is higher; and maternal care is also less

available (only 16 per cent of births are attended by qualified personnel in rural areas, compared with 59 per cent in urban areas). The development of long-term strategies for the empowerment of rural women needs to be a priority.

2. Women in prison

63. The Working Group visited the N'Djamena prison, which has an inmate population of over 2,000 people (despite a nominal capacity of around 400). Among the prisoners were 58 women who, prior to the Working Group's visit, were kept in the same space as male inmates. The Working Group was appalled by the inhuman conditions of detention to which these women were subjected. Some of them, including pregnant women, women imprisoned with their children (aged between 3 months and 5 years) and minors, lived in extremely confined and unsanitary conditions with very limited access to food and health care. The reasons for their incarceration included theft, assault, homicide (of a violent husband or father-in-law or of a co-wife, for example), abortion and alleged acts of terrorism.

64. The Working Group also visited the Moundou prison, which houses approximately 700 people (despite a nominal capacity of around 250). That number includes 14 women, who were kept in a section separate from the male inmates. There too, some women had been imprisoned with their children (aged from a few weeks to 5 years). Some of the women said they had been taken to prison immediately after giving birth, which is in violation of article 22 of the country's Criminal Code.

65. None of the incarcerated women had received legal aid and some had been in pretrial detention awaiting a court decision for over six years. Furthermore, neither prison offered the training activities that are so crucial to the rehabilitation of women prisoners. The experts hope that the President's pledge to release all women in prison with children will be honoured soon (according to the authorities, seven women and two girls were released, on the President's instructions, following the Working Group's visit).

3. Internally displaced and refugee women

66. In the wake of internal crises that have beset neighbouring countries, Chad has received hundreds of thousands of refugees, asylum seekers, internally displaced persons and returnees (620,186 persons). A total of 56 per cent of refugees are women, of whom 68.68 per cent occupy the role of head of the household. The Working Group was disappointed to learn that internally displaced and refugee women and girls are subjected to multiple forms of gender-based violence, including sexual violence. The Office of the United Nations High Commissioner for Refugees in Chad had registered a total of 1,247 cases of domestic violence in 2016; the nine categories of incident tracked each month were rape; sexual assault; female genital mutilation; physical assault; forced marriage, including child marriage; the denial of resources, opportunities and services; psychological and emotional abuse; sexual services rendered for survival and sexual exploitation; and human trafficking. There have been reports of a rise in violent acts in the Lake Chad region, where a large number of displaced persons are found; in 2017, there were 151 cases reported in June, followed by 186 in July, while in 2016, there had been 104 cases reported each month. Moreover, according to some reports, women and girls are increasingly resorting to survival sex in exchange for money or food in a context where structures for the identification, referral and care of victims are weak or non-existent.

V. Conclusions and recommendations

A. Conclusions

67. **The Working Group acknowledges that sound progress has been made towards the promotion and protection of women's rights in Chad. However, there is still a very long way to go before women can finally enjoy their fundamental right to equality. Civil society, with support from technical and financial partners, is often obliged to step in where the State is absent.**

68. The Working Group was fortunate enough to meet with an array of admirable women, men and associations who are engaged in the effort to ensure gender equality in Chad. However, progress towards significant and sustainable change is being hampered by the fragmented nature of their work and weak coordination between ministries. More decentralization is needed so that the local level of government can respond to the diverse requirements of communities across this vast country. Prevention and awareness-raising strategies should be supported by involving traditional and religious leaders at the community level, while making sure that women's voices are taken into account and that women are systematically involved in decision-making.

69. The majority of the interlocutors referred to poverty and entrenched cultural attitudes as justification for the discrimination against women. The Working Group stresses that neither poverty nor culture should be invoked as justification for oppressing women. It is not because of poverty that a girl is deprived of education and burdened with farm tasks, domestic chores or small-scale retail trade while her brother goes to school; that a girl is already married at the age of 13; that a girl is mutilated or tortured; or that a girl or woman dies in childbirth because the doctor refuses to perform a caesarean section without the husband's permission. The often-cited "influence of culture" sometimes costs women their lives. By invoking poverty and culture as justification for their refusal to implement the law, public officials in the health, justice, law enforcement and education sectors become accomplices to harmful practices that violate women's rights.

70. Inequality between men and women is, to varying degrees, a global phenomenon that transcends all religions, cultures and ideologies. To eliminate it, increased focus must be placed on enrolling girls in school and keeping them there; women, including rural women, must be enabled — legally, educationally and economically — to free themselves from the yoke of a patriarchal system that upholds the interests of the dominant male class; and an attitude of zero tolerance should be adopted regarding sexual and gender-based violence as part of the ongoing fight against the impunity and corruption that permeate Chadian society and widen the inequality gap. The Working Group hopes that the Government will continue its efforts towards the full realization of women's rights.

B. Recommendations

71. With regard to the legal framework, the Working Group recommends that the Government:

(a) Ratify and implement the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Maputo Protocol and two of the fundamental conventions of the International Labour Organization, namely, the Maternity Protection Convention, 2000 (No. 183), and the Domestic Workers Convention, 2011 (No. 189);

(b) Adopt, as soon as possible, a family code that is in line with international standards and, in the meantime, amend the discriminatory provisions contained in the Civil Code;

(c) Enact legislation to ensure gender parity in elected and appointed posts, and create mechanisms to implement that legislation;

(d) Amend the Electoral Code to require equal representation of men and women on candidate lists, including among those identified as heads of list;

(e) Amend the Labour Code and the Civil Service Act to ensure that preference is given to women whenever applicants are equally qualified;

(f) Amend or repeal the discriminatory provisions in the Labour Code;

(g) Ensure that the ongoing land reform process observes the precedence of statutory law over customary law and introduce quotas to ensure that women enjoy equal access to land;

(h) Amend the Criminal Code to explicitly prohibit levirate and sororate marriages;

(i) Decriminalize adultery;

(j) Decriminalize abortion and prepare a protocol on implementing the applicable legislation and communicate it to health-care professionals and the public in order to ensure access to such services;

(k) Adopt a comprehensive law preventing and combating violence against women;

(l) Ensure the effective implementation of existing legislation on the protection of women's rights and gender equality.

72. **Concerning access to justice, the Working Group recommends that the Government:**

(a) Establish specialized courts, or specialized chambers within existing courts, to rule on matters involving violence against women;

(b) Establish police units in each of the country's regions to deal with cases of violence against women;

(c) Recruit more women to the police force, the gendarmerie and the judiciary;

(d) Ensure that, to provide a response to instances of gender-based violence, women have access to free helplines; to emergency shelters; to medical, psychosocial and rehabilitation services; and to quality legal assistance that is both free of charge and tailored to the needs of women;

(e) Prohibit, issuing clear instructions to that effect, perpetrators from making use of mediation or reconciliation services in cases of violence against women;

(f) Raise awareness among practitioners of traditional and customary justice so that they refer cases of violence against women to the formal justice system and punish offenders;

(g) Strengthen the technical and human capacities of the judiciary, including by providing training to all involved parties, in particular police officers, gendarmes, justice officials, health-care professionals and social workers, on Chadian legislation and international instruments concerning the protection of women's rights and combating violence against women;

(h) Raise women's awareness of relevant legislation and encourage them to file complaints rather than to opt for mediation or reconciliation.

73. **At the institutional level, the Working Group recommends that the Government:**

(a) Strengthen the Ministry of Women's Affairs by providing it with sufficient human and financial resources so that it may ensure interministerial coordination on issues relating to women's rights and gender equality;

(b) Establish gender focal points in all ministries and in their regional and local offices, and equip them with adequate budgetary funding and capacity;

(c) Strengthen the Child Protection Units with a view to expanding their presence throughout the country and enabling them to adequately deal with cases of gender-based violence;

(d) Allocate sufficient human and financial resources from the regular State budget to the new National Human Rights Commission;

(c) Address structural weaknesses, such as the shortages of personnel, equipment and medicines, which prevent the Ministry of Health from ensuring free access to basic health care and maternal care;

(f) Train more traditional birth attendants and involve them in providing prenatal care and aiding with deliveries with a view to reducing maternal mortality.

74. The Working Group recommends that the National Human Rights Commission:

(a) Establish a standing subcommission on women's rights;

(b) Attach special priority to the prevention of discrimination against women and violence against women in carrying out its mandate, including by harmonizing domestic legislation with international instruments.

75. In regard to policies, the Working Group recommends that the Government:

(a) Adopt specific action plans, with accompanying time frames and budgets, to implement the National Gender Policy and the National Strategy on Gender-based Violence;

(b) Implement temporary special measures to foster the recruitment of more women in the public and private sectors;

(c) Consult with organizations working for gender equality with a view to ensuring that qualified female candidates apply for civil service positions and to establishing a roster of female candidates in support of this process;

(d) Take steps to encourage women's leadership, including by revitalizing the Network of Women Ministers and Parliamentarians of Chad;

(e) Take appropriate measures to promote women's participation in the formal economy, including by opening State-funded day-care centres;

(f) Support women's cooperatives and groups that harvest, produce, sell or process agricultural products, including by adopting a national microfinance strategy, granting loans on preferential terms and providing technical support for women-led projects;

(g) Ensure that girls enrol and remain in school, through such measures as providing academic coaching, building school canteens, supplying dry rations to families and increasing the representation of women in all institutions as a way to address the shortage of female role models;

(h) Prohibit immediately, issuing clear instructions to that effect, any form of relationship between male teachers and female students, and amend the Criminal Code to criminalize sexual abuse by teachers;

(i) Establish reporting mechanisms at schools to prevent, detect and/or respond to violence against girls on and around school premises;

(j) Prohibit, issuing clear instructions to that effect, health-care professionals from refusing to perform caesarean sections or other medical procedures on women without the consent of the husband or family, and establish that the informed consent of the woman is sufficient in itself;

(k) Ensure, by issuing clear instructions to that effect, that the informed consent of a woman is sufficient for her to receive contraception from health-care professionals, and strengthen measures promoting the use of contraception;

(l) Ensure, by issuing clear instructions to that effect, that health-care professionals inform the police or the justice system of any acts of violence against women that they detect in the course of their work;

(m) Conduct in-depth studies on the extent of clandestine abortions and their consequences for the health of women and girls so that action can be taken towards

full realization of the rights of girls and women and the reduction of maternal mortality;

(n) Incorporate human rights education at all levels of the school curriculum, promoting the rights of children and women, gender equality and combating all forms of discrimination and violence, as well as comprehensive sexuality education based on scientific evidence;

(o) Conduct in-depth studies on the situation of girls and women victims of multiple forms of discrimination, including domestic workers, indigenous women, older women, widows, displaced and refugee women, women in prostitution/sex workers and lesbian women, with a view to taking appropriate measures to better protect and empower members of these groups;

(p) To the fullest extent possible, devise alternatives to incarceration for women, especially pregnant women and mothers, and avoid lengthy pretrial detention, in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules);

(q) Ensure that the treatment of women prisoners complies with international standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules);

(r) Step up efforts to raise awareness about harmful practices such as female genital mutilation, child marriage and forced marriage, polygamy, and levirate and sororate marriage;

(s) Raise public awareness about gender equality and combating discrimination against women at all levels;

(t) Support the initiatives of religious leaders to raise the awareness of their communities about gender-based violence and ensure that women are systematically involved in decision-making in their communities;

(u) Strengthen the participation of women in community dialogues, especially interreligious dialogues, with a view to maintaining peace; the existing radio programmes that feature the participation of women from each community could be produced in joint formats;

(v) Support the efforts of civil society organizations working to promote and protect women's rights;

(w) Ensure that activists and human rights defenders are protected from harassment, threats, retaliation and violence and are able to freely exercise their rights as recognized in international instruments and the Constitution.

76. The Working Group recommends that the country's technical and financial partners:

(a) Ensure effective harmonization of the cooperation framework with a view to avoiding fragmentation of actions and project approaches that do not guarantee the sustainability of programmes promoting gender equality and the full empowerment of women;

(b) Pursue a shared, sustainable strategy that uses a system built around not just results-based conditionalities but also on the requirement that a national anti-corruption mechanism be set up;

(c) Provide Chad with such assistance, including technical assistance, as it may need to implement the recommendations contained in the present report.